A biologically pure Culture of

--37. A gram-positive bacteria strain characterized by exhibiting:

(a) a 7α-dehydroxylase activity of less than 50%, and

(b) a bile acid deconjugation activity of less than 50%, and

belonging to a species selected from *Streptococcus thermophilus* and *Lactobacillus bulgaricus*.

38. The strain of Claim 37, wherein the bacteria strain is *Streptococcus thermophilus* YS 52, deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1670.

39. The strain of Claim 37, wherein the bacteria strain is *Streptococcus thermophilus* YS 46, deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1668.

40. The strain of Claim 37, wherein the bacteria strain is *Streptococcus thermophilus* YS 48, deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1669.

41. The strain of Claim 37, wherein the bacteria strain is *Lactobacillus bulgaricus* LB 1 deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1664.

42. The strain of Claim 37, wherein the bacteria strain is *Lactobacillus bulgaricus* LB 3 deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1665.

43. The strain of Claim 37, wherein the bacteria strain is *Lactobacillus bulgaricus* LB 7 deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1666.

44. The strain of Claim 37, wherein the bacteria strain is *Lactobacillus bulgaricus* LB

77 deposited with the CNCM, Collection Nationale de Cultures de Microorganismes, Institut Pasterur, under the accession number I-1667.--

SUPPORT FOR THE AMENDMENTS

Applicants have amended pages 7 and 8 of the specification to address certain criticisms raised by the Examiner. Support for these amendments can be found in the original claims.

Applicants have also rewritten Claims 1-11 as new Claims 37-44, to delete the language "and descendants, mutants, and derivatives thereof preserving activities (a) and (b)" and to specify that the claimed strain is a "gram-positive bacteria strain" which belongs "to a species selected from *Streptococcus thermophilus* and *Lactobacillus bulgaricus*." Support for new Claims 37-44 can be found in Claims 1-6 and 8-11, as originally filed.

No new matter has been added. Claims 37-44 remain active in this application.

REMARKS

The present claims relate to gram-positive bacteria strains characterized by exhibiting:

(a) a 7α-dehydroxylase activity of less than 50%, and

(b) a bile acid deconjugation activity of less than 50%, and

belonging to a species selected from *Streptococcus thermophilus* and *Lactobacillus bulgaricus*.

The cited references contain no teaching which would suggest the presently claimed strains. Accordingly, these references cannot affect the patentability of the present claims.

The rejection of Claims 1 and 2 under 35 U.S.C. §102(b, d, or e) over Saito et al (U.S. Patent No. 5,516,684 or EP 0 671 468) in light of Salvioli et al is respectfully traversed. Saito